

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Philip Walker, (04/14/1972)

David Walker, (02/27/1975)

Defendant(s)

)
) Case: 1:24-mj-00283
) Assigned To : Judge Moxila A. Upadhyaya
) Assign. Date : 9/6/2024
) Description: COMPLAINT W/ARREST WARRANT
)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the
 _____ in the District of Columbia, the defendant(s) violated:

Code Section

Philip Walker:
 18 U.S.C. § 2111 - Federal Robbery;
 18 U.S.C. § 113(a)(2) - Assault with the intent to commit any felony;
 18 U.S.C. § 113(a)(4) - Assault by striking, beating, and wounding;
 18 U.S.C. § 1363 - Destruction of property within the maritime or Territorial Jurisdiction of the United States;
 18 U.S.C. § 1752(a)(1) - Enter and remaining in a restricted building or grounds;
 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds;
 18 U.S.C. § 1752(a)(4) - Engaging in physical violence in a restricted building or grounds;
 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building or Grounds;
 40 U.S.C. § 5104(e)(2)(F) - Act of violence in the Capitol grounds or buildings;
 40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building

Offense Description

David Walker:
 18 U.S.C. § 2111 - Federal Robbery;
 18 U.S.C. § 113(a)(2) - Assault with the intent to commit any felony;
 18 U.S.C. § 113(a)(4) - Assault by striking, beating, and wounding;
 18 U.S.C. § 1752(a)(1) - Enter and remaining in a restricted building or grounds;
 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds;
 18 U.S.C. § 1752(a)(4) - Engaging in physical violence in a restricted building or grounds;
 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building or Grounds;
 40 U.S.C. § 5104(e)(2)(F) - Act of violence in the Capitol grounds or buildings;
 40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.



This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

Complainant's signature

John A. McKinley, Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
 by telephone.

Date: 09/06/2024
*Judge's signature*City and state: Washington, D.C.

Printed name and title
Moxila A. Upadhyaya, U.S. Magistrate Judge

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

David Walker

Case: 1:24-mj-00283

Assigned To : Judge Moxila A. Upadhyaya

Assign. Date : 9/6/2024

Description: COMPLAINT W/ARREST WARRANT

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) David Walker,

who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

David Walker:

18 U.S.C. § 2111- Federal Robbery;
 18 U.S.C. § 113(a)(2) - Assault with the intent to commit any felony;
 18 U.S.C. § 113(a)(4) - Assault by striking, beating, and wounding;
 18 U.S.C. § 1752(a)(1) - Enter and remaining in a restricted building or grounds;
 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds,
 18 U.S.C. § 1752(a)(4) - Engaging in physical violence in a restricted building or grounds;
 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building or Grounds;
 40 U.S.C. § 5104(e)(2)(F) - Act of violence in the Capitol grounds or buildings;
 40 U.S.C. § 5104(e)(2)(G) -Parading, Demonstrating, or Picketing in a Capitol Building.

Date: 09/06/2024*Issuing officer's signature*City and state: Washington, D.C.

Moxila A. Upadhyaya, U.S. Magistrate Judge

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

Case: 1:24-mj-00283

Assigned To : Judge Moxila A. Upadhyaya

Assign. Date : 9/6/2024

Description: COMPLAINT W/ARREST WARRANT

STATEMENT OF FACTS

Your affiant, John A. McKinley, is a Special Agent assigned to the Federal Bureau of Investigation, Philadelphia Field Office. In my duties as a special agent, I investigate violations of federal law. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

BACKGROUND

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Identification and Interview of PHILIP WALKER

On or about January 7, 2021, the FBI received a tip that PHILIP WALKER was likely present in the U.S. Capitol on January 6, 2021 and may have participated in the riot that occurred there. On January 14, 2021, Philip Walker was interviewed by the FBI in a non-custodial interview wherein Philip Walker was represented by legal counsel. During the interview, Philip Walker admitted to travelling to Washington, D.C. on or about January 6, 2021 and participating in the riot. Specifically, Philip Walker admitted to entering the U.S. Capitol building and engaging in a physical confrontation with an individual who Philip Walker believed was a member of "Antifa." During the physical confrontation, as described by Philip Walker, the individual fell to the ground, and Philip Walker took his/her camera. He admitted to leaving the Capitol with the camera, and disposing of it in a body of water while en route to his residence in Pennsylvania.

Interview of Victim 1

On or about January 10, 2021, an employee with a media company (Victim 1) advised the FBI that he/she was assaulted inside the U.S. Capitol on January 6, 2021. Victim 1 was authorized to be in the U.S. Capitol on January 6, 2021, and was in the possession of photographic equipment, specifically, two cameras. During the assault, he/she was forced to the ground, which caused him/her to be injured, and his/her cameras were stolen by the individuals who assaulted him/her.

Philip Walker Enters the U.S. Capitol

Analysis of mobile telephone data associated with Philip Walker's telephone, using T-Mobile telephone number (610) 732-XXXX, (which Philip Walker provided as his contact number during the aforementioned interview), shows Philip Walker departed his residence in the early morning hours of January 6, 2021, was in the Washington, D.C. area around the Capitol on January 6, 2021, and returned to his residence that evening.

Analysis of open source video and photographic footage from the U.S. Capitol on January 6, 2021, revealed images of an individual who matches Philip Walker's Pennsylvania driver's license photo and the individual interviewed by the FBI on January 14, 2021. On January 6, 2021, an individual who matched Philip Walker's physical characteristics was seen around and inside the U.S. Capitol wearing a dark-colored, hooded sweatshirt with a dark-colored jacket with a distinctive horizontal quilted pattern. *See* Images 1-2. He was wearing a dark-colored backpack with dark pants and shoes with a distinctive color at the toe of the shoe.



Image 1



Image 2

A still image obtained from video footage of the assault on Victim 1 shows one of the individuals wore a jacket similar to that which Philip Walker was wearing, and dark colored pants and a shoe which is similar to that shown in Image 1. See Image 3.



Image 3

Interior surveillance cameras of the U.S. Capitol show Philip Walker entered the U.S. Capitol Rotunda at approximately 2:40 p.m. Upon entering the building, Philip Walker was wearing a blue and white surgical face mask. *See Image 4.*



Image 4

David Walker Identified as Co-Located with Philip Walker

During the course of the investigation into Philip Walker's actions on January 6, 2021, analysis of publicly available images and video revealed that David Walker, Philip Walker's brother, was in the area around the U.S. Capitol with Philip Walker. David Walker was wearing a dark colored hood and dark jacket, a backpack with distinctive markings on the shoulders, khaki pants with what appears to be a pocket knife clipped inside the right front pocket, and a portion of a cell phone visible in a "cargo pocket," a distinct light colored stain or marking on the right trouser leg, and brown boots with a contrasting darker colored toe. *See Image 5 and 6.* Another publicly available image from January 6, 2021, shows David Walker with his brother Philip, and David is wearing the same clothing described above. *See Image 7.* A still image obtained from video footage of the assault on Victim 1 shows an individual involved in the assault wearing a dark jacket, trousers of the same color, with the knife clip in the pocket, cell phone in the cargo pocket and stain/markings visible. *See Image 8.*

In an interview with Philip Walker's former employer (Witness 1), the employer was shown Image 7 in which he identified both Philip and David Walker in the photo. Additionally, Witness 1 identified an image from a Pennsylvania Department of Transportation driver's license as a photo of David Walker. Further, Witness 1 remembered employing David Walker for a period of approximately eight weeks in approximately September through October 2020, and recalled hiring him at the request of Philip Walker. Another individual who is familiar with David Walker (Witness 2) was also shown Image 7 and identified Philip and David Walker. Witness 2 recalled that David Walker had expressed an interest in travelling to Washington, D.C. to attend the rally,

and also remembered that David Walker travelled to Washington, D.C. in the early morning hours, possibly with Philip Walker and the other individual shown in Image 7. Witness 2 interacted with David Walker during the evening of January 6, 2021 and recalled that David Walker was stressed and concerned about being arrested.



Image 6



Image 7 (David Walker (blue), Philip Walker (yellow))



Image 8

Interior surveillance cameras of the U.S. Capitol show David Walker entering the U.S. Capitol at approximately 2:40 p.m. *See* Image 9. He was wearing a hood, a blue surgical mask, a dark jacket, the backpack with distinctive markings on the shoulders, and the khaki colored trousers with the knife clip and cell phone visible.



Image 9 (David Walker circled)

Assault on Victim 1 and Robbery of Equipment

Based on a review of livestream video that was shared on social media platforms on January 6, 2021, Victim 1 was standing at the top of the East Rotunda Stairs between approximately 2:40 p.m. and 2:43 p.m. The individuals identified as Philip Walker and David Walker were in the stairwell prior to the assault as depicted in Image 10.

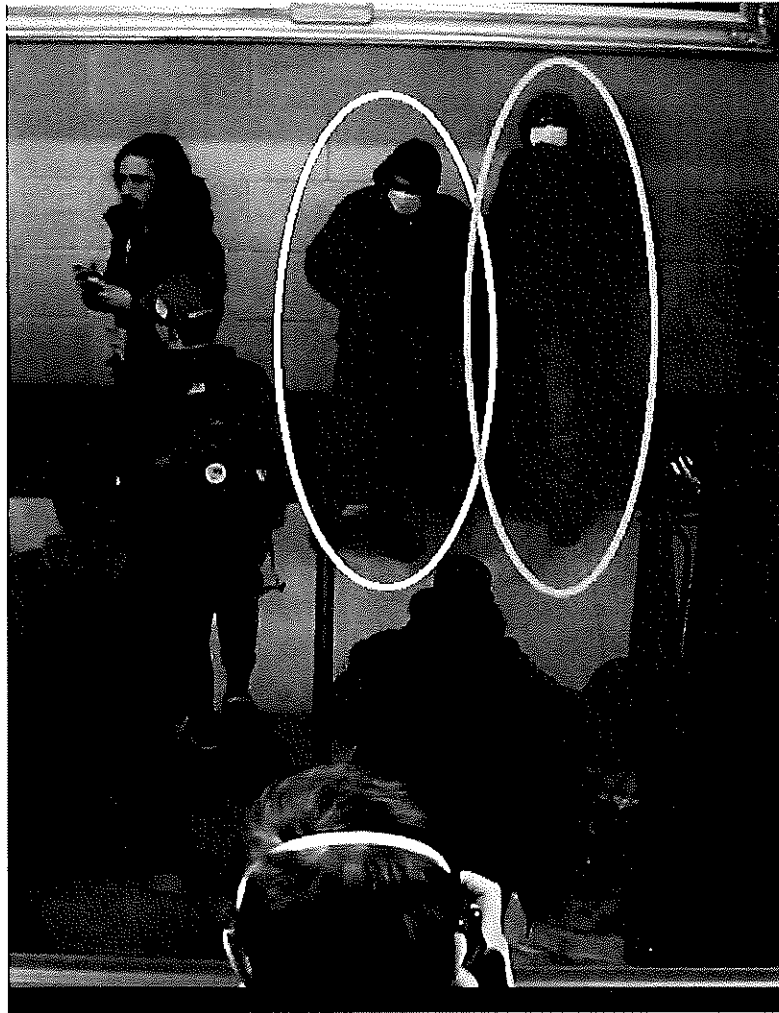


Image 10 (Philip Walker circled in yellow, David Walker in blue)

Between approximately 2:41 p.m. and 2:43 p.m., Victim 1 was assaulted at the top of the East Rotunda stairs, inside the U.S. Capitol. The individuals identified as Philip WALKER and David WALKER then ran down the staircase, with Philip WALKER carrying what appeared to be Victim 1's photographic equipment. Based on a review of the video, when Victim 1 pursued Philip WALKER to attempt to retrieve his/her photographic equipment, David WALKER then pushed Victim 1 again as David WALKER and Philip WALKER ran down the East Rotunda staircase. See Image 11.

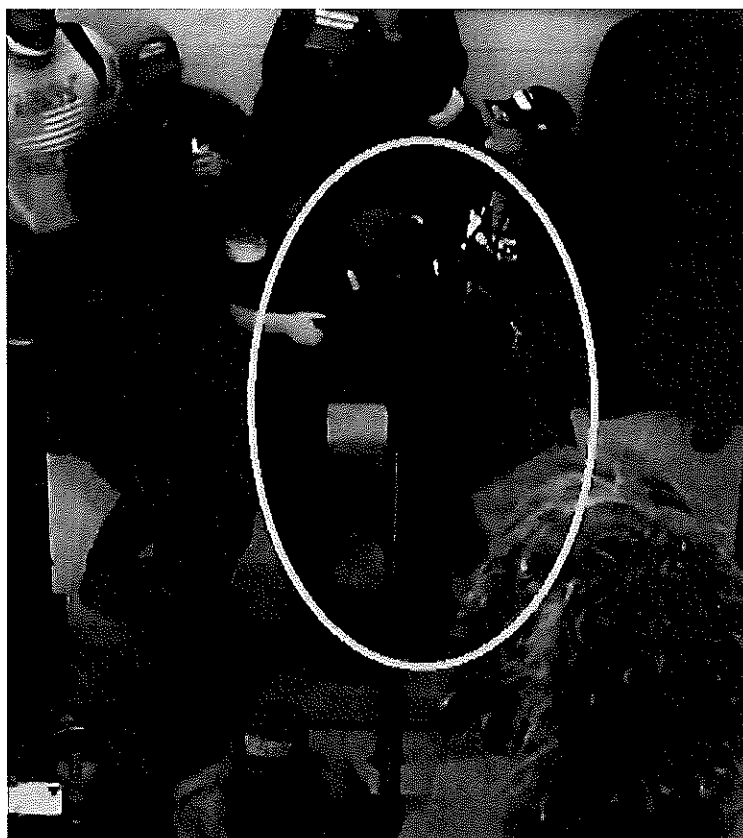


Image 11 (David WALKER circled)

Shortly after the initial assault, Philip Walker descended the stairs near where the assault happened and was in possession of an object with what appeared to be a carrying strap to a camera. *See Image 12.* Another publicly available image shows Philip Walker descending the stairs with a large object concealed under his jacket. *See Image 13.*

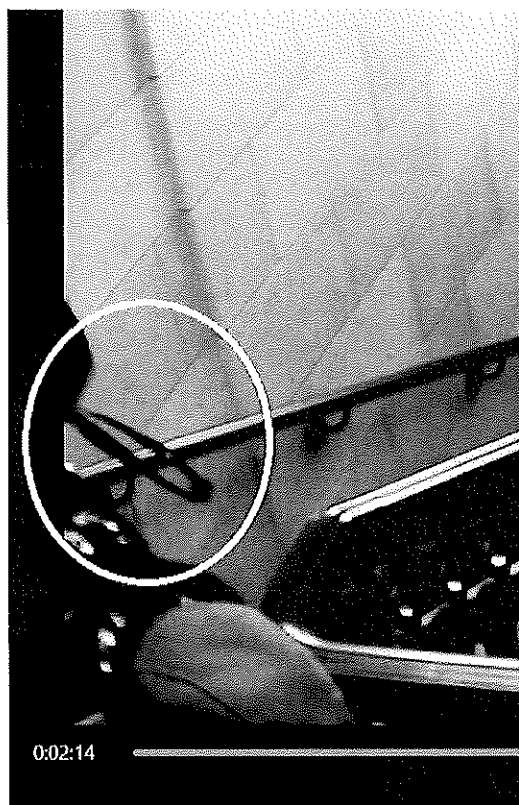


Image 12



Image 13

Philip Walker and David Walker Exit the U.S. Capitol Building

Philip Walker exited the building at approximately 2:43 p.m. through the Rotunda lobby near the east stairs. *See Image 14.*

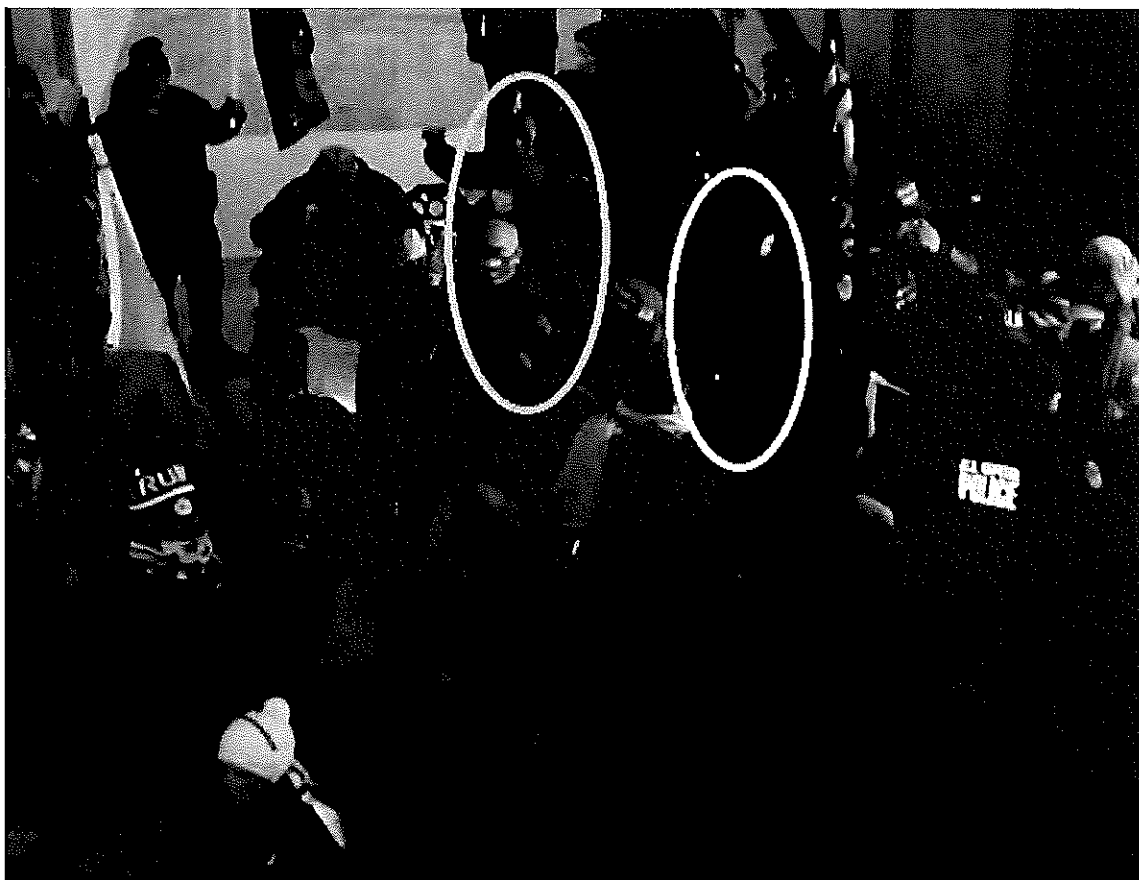


Image 14 (Philip Walker circled in yellow, David Walker in blue)

David Walker engaged in another physical confrontation with Victim 1 near the East Rotunda Doors exit to the outside of the Capitol. *See* Image 15. David WALKER then exited the building at approximately 2:43 p.m..through the Rotunda lobby near the east stairs. *See* Image 16.

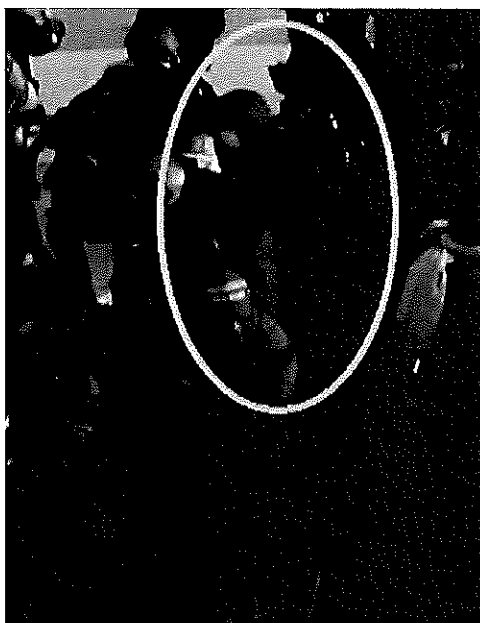


Image 15



Image 16


Based on the foregoing, your affiant submits that there is probable cause to believe that Philip WALKER and David WALKER violated 18 U.S.C. § 2111, which makes it a crime to forcibly take or attempt to take from a person anything of value within the special maritime and territorial jurisdiction of the United States.

Your affiant submits there is probable cause to believe that Philip WALKER and David WALKER violated 18 U.S.C. §§ 113(a)(2) and (4), which makes it a crime to (2) assault with the intent to commit any felony; and (4) assault by striking, beating, or wounding within the special maritime and territorial jurisdiction of the United States.

Your affiant submits there is probable cause to believe that Philip WALKER violated 18 U.S.C. § 1363, which makes it a crime to willfully and maliciously destroy or injure any personal property within the special maritime and territorial jurisdiction of the United States, or attempt or conspire to do so.

Your affiant submits there is probable cause to believe that Philip WALKER and David WALKER violated 18 U.S.C. § 1752(a)(1), (2), and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempt or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that Philip WALKER and David WALKER violated 40 U.S.C. § 5104(e)(2)(D), (F), and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; and (G) parading, demonstrating, or picketing in a Capitol Building.



John A. McKinley
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. Proc. 4.1 by telephone, this 6th day of September 2024.



HONORABLE MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE